



DISTRICT COURT OF MARYLAND FOR Allegany County

Located at 123 S Liberty St, 2nd Floor, Cumberland, Maryland 21502-3005

Case No. D-121-CR-23-000707

STATE OF MARYLAND

VS.

ATYAM, BENJAMIN LAURENT

110 S BROADWAY ST APT U
FROSTBURG, MD 21532-0000

Charge | Statute | Arrest

MURDER - FIRST DEGREE | CR 2 201 |
ASSAULT-FIRST DEGREE | CR 3 202 |

CC#: CI23-00149

Tracking No: 231001241800

Home phone: 240-762-9526 Cellphone:

Charge | Statute | Arrest

CON-MURDER - FIRST DEGREE | CL |
ASSAULT-FIRST DEGREE | CR 3 202 |

More charges on continuation page.

Date: 05/11/2023

ARREST WARRANT

Warrant Control No. D230118361

STATE OF MARYLAND, Allegany County

TO ANY PEACE OFFICER:

An order of the court was entered on 05/11/2023, ordering the arrest of ATYAM, BENJAMIN LAURENT to be brought before this court for an Initial Appearance.

YOU ARE ORDERED to immediately arrest the above-named person who resides or may be located at: 110 S BROADWAY ST APT U, FROSTBURG, MD 215320000.

IF THE DEFENDANT IS NOT IN CUSTODY FOR ANOTHER OFFENSE,

Initial appearance is to be held in county in which warrant was issued.

YOU ARE FURTHER DIRECTED:

☒ to immediately take this person before a judicial officer of the District Court; or if the warrant so specifies, before a judicial officer of the circuit court. An appearance by video satisfies the requirements of this directive.

☐ to hold this person at _____ pending their appearance in the above-named court on the first sitting of the court following their apprehension.

☐ IF THE DEFENDANT IS IN CUSTODY FOR ANOTHER OFFENSE, this warrant is to be lodged as a detainer for the continued detention of the defendant for the offense charged in the charging document. When the the defendant is served with a copy of the charging document and warrant, the defendant shall be taken before a judicial officer of the district court; or if the warrant so specifies, before a judicial officer of the circuit court.

☐ _____

Specify other directions as needed

LOCAL DETENTION CENTER, JAIL OR BOOKING FACILITY: YOU ARE ORDERED to:

☐ Receive from any officer the body of the above-named defendant who is COMMITTED TO YOUR CUSTODY.

☐ Transfer the defendant to: _____

Facility Name and Address

The defendant, once transferred, shall be taken without unnecessary delay, before this court during the next session to answer these charges.

Date: 05/11/2023 Time: 9:12 PM

Judge/Commissioner/Clerk of the Circuit Court

A. SHIMKO C037
COMMISSIONER

ID: C037

Description: Driver's License # A350085488954

Race: B Sex: M Ht: 5' 03" Wt: 147 Hair: BLK Eyes: BRO

DOB: 12/16/2001 FBI #

SID #

SSN

Complexion _____ Tattoos, Marks, Scars _____

Other _____

Given to Law Enforcement Agency: CUMBERLAND POLICE DEPT C3I UNIT

RETURN OF SERVICE

☐ I certify that at _____ M on _____ at _____
Time Date Place, I executed this arrest warrant by arresting the person named above and delivered a copy of the arrest warrant to them.

☐ I left a copy of the warrant and charging document as a detainer for the continued detention of the person named above at: _____

Detention Facility

Address

Signature of Peace Officer

Title

Agency

Sub-Agency

ID Number



DISTRICT COURT OF MARYLAND FOR Allegany County

Located at 123 S Liberty St, 2nd Floor, Cumberland, Maryland 21502-3005

Case No. D-121-CR-23-000707

STATE OF MARYLAND

VS.

ATYAM, BENJAMIN LAURENT

Charge | Statue | Arrest

ASSAULT-FIRST DEGREE | CR 3 202 |
ASSAULT-FIRST DEGREE | CR 3 202 |
ASSAULT-SEC DEGREE | CR 3 203 |
ASSAULT-SEC DEGREE | CR 3 203 |
RECKLESS ENDANGERMENT | CR 3 204 (a)(1) |
RECKLESS ENDANGERMENT | CR 3 204 (a)(1) |
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Charge | Statue | Arrest

ASSAULT-FIRST DEGREE | CR 3 202 |
ASSAULT-SEC DEGREE | CR 3 203 |
ASSAULT-SEC DEGREE | CR 3 203 |
ASSAULT-SEC DEGREE | CR 3 203 |
RECKLESS ENDANGERMENT | CR 3 204 (a)(1) |
RECKLESS ENDANGERMENT | CR 3 204 (a)(1) |
DISORDERLY CONDUCT | CR 10 201 (c)(2) |



DISTRICT COURT OF MARYLAND FOR Allegany County

Located at 123 S Liberty St, 2nd Floor, Cumberland, Maryland 21502-3005



Case No. D-121-CR-23-000707

STATE OF MARYLAND

VS.

ATYAM, BENJAMIN LAURENT

COMPLAINANT:

Officer: SHIMER, DET
Agency/Subagency: BD C31
Officer ID: 0209

110 S BROADWAY ST APT U
FROSTBURG, MD 21532

CC#: CI23-00149

SID:

FBI#:

LID:

DL#: A-350-085-488-954

Race: B Sex: M

Ht: 5' 3"

Wt: 147

Hair: BLK Eyes: BRO

DOB: 12/16/2001

Home phone: 240-762-9526 Cellphone:

STATEMENT OF CHARGES

UPON THE FACTS CONTAINED IN THE APPLICATION OF Officer: SHIMER, DET IT IS FORMALLY CHARGED THAT ATYAM, BENJAMIN LAURENT at the dates, times and locations specified below:

NUM	CHG/CIT	STATUTE	PENALTY	DESCRIPTION OF THE CHARGE
001	1 0990	CR 2 201	0 L	MURDER - FIRST DEGREE On or About 05/07/2023 70 E COLLEGE AVE FROSTBURG, ALLEGANY COUNTY, MD ...did feloniously, willfully and with deliberately premeditated malice aforethought, kill and murder ALEXANDER REDONDO. Against the Peace, Government, and Dignity of the State.
002	1C0990	CL	0 L	CON-MURDER - FIRST DEGREE On or About 05/07/2023 70 E COLLEGE AVE FROSTBURG, ALLEGANY COUNTY, MD ...did conspire with DAIQUAN TYRONE RAYMOND GUY to feloniously, willfully and with deliberately premeditated malice aforethought, kill and murder ALEXANDER REDONDO. Against the Peace, Government, and Dignity of the State.
003	1 1420	CR 3 202	25 Y	ASSAULT-FIRST DEGREE On or About 05/07/2023 70 E COLLEGE AVE FROSTBURG, ALLEGANY COUNTY, MD ...did assault ALEXANDER REDONDO in the first degree in violation of CR 3-202, contrary to the form of the act of the assembly in such case made and provided and against the peace, government and dignity of the state. Against the Peace, Government, and Dignity of the State.
004	1 1420	CR 3 202	25 Y	ASSAULT-FIRST DEGREE On or About 05/07/2023 70 E COLLEGE AVE FROSTBURG, ALLEGANY COUNTY, MD ...did assault LAILA LODGE in the first degree in violation of CR 3-202, contrary to the form of the act of the assembly in such case made and provided and against the peace, government and dignity of the state. Against the Peace, Government, and Dignity of the State.
005	1 1420	CR 3 202	25 Y	ASSAULT-FIRST DEGREE On or About 05/07/2023 70 E COLLEGE AVE FROSTBURG, ALLEGANY COUNTY, MD ...did assault OMOKEMI BALOGU in the first degree in violation of CR 3-202, contrary to the form of the act of the assembly in such case made and provided and against the peace, government and dignity of the state. Against the Peace, Government, and Dignity of the State.
006	1 1420	CR 3 202	25 Y	ASSAULT-FIRST DEGREE On or About 05/07/2023 70 E COLLEGE AVE FROSTBURG, ALLEGANY COUNTY, MD

A.SHIMKO C037
COMMISSIONER

Date : 05/11/2023 Time : 9:11 PM

Judicial Officer: _____

C037

Tracking No. 231001241800

**DISTRICT COURT OF MARYLAND FOR Allegany County**

Located at 123 S Liberty St, 2nd Floor, Cumberland, Maryland 21502-3005

Case No. D-121-CR-23-000707

STATE OF MARYLAND VS. ATYAM, BENJAMIN LAURENT

007	1 1420	CR 3 202	25 Y	<p>...did assault JADEN BROWN in the first degree in violation of CR 3-202, contrary to the form of the act of the assembly in such case made and provided and against the peace, government and dignity of the state. Against the Peace, Government, and Dignity of the State.</p> <p>ASSAULT-FIRST DEGREE On or About 05/07/2023 70 E COLLEGE AVE FROSTBURG, ALLEGANY COUNTY, MD</p> <p>...did assault ZEPHANIAH BANKS in the first degree in violation of CR 3-202, contrary to the form of the act of the assembly in such case made and provided and against the peace, government and dignity of the state. Against the Peace, Government, and Dignity of the State.</p>
008	1 1415	CR 3 203	10 Y &/or \$2,500.00	<p>ASSAULT-SEC DEGREE On or About 05/07/2023 70 E COLLEGE AVE FROSTBURG, ALLEGANY COUNTY, MD</p> <p>...did assault ALEXANDER REDONDO in the second degree in violation of CR 3-203, contrary to the form of the act of the assembly in such case made and provided and against the peace, government, and dignity of the state. Against the Peace, Government, and Dignity of the State.</p>
009	1 1415	CR 3 203	10 Y &/or \$2,500.00	<p>ASSAULT-SEC DEGREE On or About 05/07/2023 70 E COLLEGE AVE FROSTBURG, ALLEGANY COUNTY, MD</p> <p>...did assault LAILA LODGE in the second degree in violation of CR 3-203, contrary to the form of the act of the assembly in such case made and provided and against the peace, government, and dignity of the state. Against the Peace, Government, and Dignity of the State.</p>
010	1 1415	CR 3 203	10 Y &/or \$2,500.00	<p>ASSAULT-SEC DEGREE On or About 05/07/2023 70 E COLLEGE AVE FROSTBURG, ALLEGANY COUNTY, MD</p> <p>...did assault OMOKEMI BALOGU in the second degree in violation of CR 3-203, contrary to the form of the act of the assembly in such case made and provided and against the peace, government, and dignity of the state. Against the Peace, Government, and Dignity of the State.</p>
011	1 1415	CR 3 203	10 Y &/or \$2,500.00	<p>ASSAULT-SEC DEGREE On or About 05/07/2023 70 E COLLEGE AVE FROSTBURG, ALLEGANY COUNTY, MD</p> <p>...did assault JADEN BROWN in the second degree in violation of CR 3-203, contrary to the form of the act of the assembly in such case made and provided and against the peace, government, and dignity of the state. Against the Peace, Government, and Dignity of the State.</p>
012	1 1415	CR 3 203	10 Y &/or \$2,500.00	<p>ASSAULT-SEC DEGREE On or About 05/07/2023 70 E COLLEGE AVE FROSTBURG, ALLEGANY COUNTY, MD</p> <p>...did assault ZEPHANIAH BANKS in the second degree in violation of CR 3-203, contrary to the form of the act of the assembly in such case made and provided and against the peace, government, and dignity of the state. Against the Peace, Government, and Dignity of the State.</p>
013	1 1425	CR 3 204 ((a)(1))	5 Y &/or \$5,000.00	<p>RECKLESS ENDANGERMENT On or About 05/07/2023 70 E COLLEGE AVE</p>

A.SHIMKO C037
COMMISSIONER

Date : 05/11/2023 Time : 9:11 PM

Tracking No. 231001241800

Judicial Officer: *T. Ben*

C037

**DISTRICT COURT OF MARYLAND FOR Allegany County**

Located at 123 S Liberty St, 2nd Floor, Cumberland, Maryland 21502-3005

Case No. D-121-CR-23-000707

STATE OF MARYLAND VS. ATYAM, BENJAMIN LAURENT

014 1 1425 CR 3 204 ((a)(1)) 5 Y &/or \$5,000.00

FROSTBURG, ALLEGANY COUNTY, MD

...did recklessly engage in conduct, to wit: SHOOTING that created a substantial risk of death or serious physical injury to LAILA LODGE.

Against the Peace, Government, and Dignity of the State.

RECKLESS ENDANGERMENT

On or About 05/07/2023

70 E COLLEGE AVE

FROSTBURG, ALLEGANY COUNTY, MD

...did recklessly engage in conduct, to wit: SHOOTING that created a substantial risk of death or serious physical injury to OMOKEMI BALOGU.

Against the Peace, Government, and Dignity of the State.

015 1 1425 CR 3 204 ((a)(1)) 5 Y &/or \$5,000.00

RECKLESS ENDANGERMENT

On or About 05/07/2023

70 E COLLEGE AVE

FROSTBURG, ALLEGANY COUNTY, MD

...did recklessly engage in conduct, to wit: SHOOTING that created a substantial risk of death or serious physical injury to JADEN BROWN.

Against the Peace, Government, and Dignity of the State.

016 1 1425 CR 3 204 ((a)(1)) 5 Y &/or \$5,000.00

RECKLESS ENDANGERMENT

On or About 05/07/2023

70 E COLLEGE AVE

FROSTBURG, ALLEGANY COUNTY, MD

...did recklessly engage in conduct, to wit: SHOOTING that created a substantial risk of death or serious physical injury to ZEPHANIAH BANKS.

Against the Peace, Government, and Dignity of the State.

017 1 1425 CR 3 204 ((a)(1)) 5 Y &/or \$5,000.00

RECKLESS ENDANGERMENT

On or About 05/07/2023

70 E COLLEGE AVE

FROSTBURG, ALLEGANY COUNTY, MD

...did recklessly engage in conduct, to wit: SHOOTING that created a substantial risk of death or serious physical injury to ALEXANDER REDONDO.

Against the Peace, Government, and Dignity of the State.

018 2 0050 CR 10 201 ((c)(2)) 60 D &/or \$500.00

DISORDERLY CONDUCT

On or About 05/07/2023

70 E COLLEGE AVE

FROSTBURG, ALLEGANY COUNTY, MD

...did wilfully act in a disorderly manner to the disturbance of the public peace.

Against the Peace, Government, and Dignity of the State.

**DISTRICT COURT OF MARYLAND**LOCATED AT (COURT ADDRESS)
123 S. Liberty St.

Cumberland, MD 21502

D-121-CR-23-000707

**COMPLAINANT**

Detective M. Shimer

Printed Name

20 Bedford Street

Address

Cumberland, MD 21502

City, State, Zip

BD, C3I, CI209

Agency, Sub-agency, and I.D. #

301-777-1600

Telephone

(Officer Only)

DEFENDANT

Benjamin Laurent Atyam

Printed Name

110 S. Broadway St, Apt U

Address

Frostburg, Maryland 21532

City, State, Zip

CC# CI2023-00149

240-762-9526

Telephone

DEFENDANT'S DESCRIPTION: Driver's License # A-350-085-488-954 MD Sex M Race B Ht 503 Wt 147
Hair Blk Eyes Bro Complexion Dark Other _____ DOB 12/16/2001 ID _____

APPLICATION FOR STATEMENT OF CHARGES

Page 1 of 4

(Include a statement of facts within your personal knowledge (what you saw or heard, what someone said to you, etc.) showing that there is probable cause to believe that a crime has been committed and that the defendant has committed it. Please see the "NOTICE TO APPLICANT FOR A CHARGING DOCUMENT" for further information.)

I, the undersigned, apply for a statement of charges and a summons or warrant which may lead to the arrest of the above named defendant because on or about 5/7/23 at 70 E. College Ave; Frostburg, MD 21532
Date Place
, the above named defendant

See Attached....

(Continued on attached 3 pages) (DC-CR-001A)

I solemnly affirm under the penalties of perjury that the contents of this document are true to the best of my knowledge, information, and belief.

5/11/23

Date

Det. Matt Shimer

Officer's Signature

Detective M. Shimer

Printed Name

I have read or had read to me and I understand the notice on the back of this form.

Date

Applicant's Signature

Printed Name

Subscribed and sworn to before me 5/11/23 at _____ ☐ AM ☐ PM A. SHIMKO C037
Date Time Judge/Commissioner A. SHIMKO C037
ID Number

I understand that a charging document will be issued and that I must appear for trial ☐ on _____
at _____, ☐ when notified by the clerk, at the court location shown at the top of this form.
Time Date

Applicant's Signature

☐ The applicant requests reasonable protection for safety of the alleged victim or the victim's family:

(Describe)

☐ I have advised applicant of the right to request shielding.☒ The applicant declines shielding.☐ I declined to issue a charging document because of lack of probable cause.5/11/23

Date

Commissioner

A. SHIMKO C037
COMMISSIONER

ID Number

**DISTRICT COURT OF MARYLAND FOR** Allegany

LOCATED AT (COURT ADDRESS)

123 Liberty Street

Cumberland, MD 21502

DISTRICT COURT
CASE NUMBER

(City/County)

DEFENDANT'S NAME (LAST, FIRST, M.I.)

Atyam, Benjamin Laurent

APPLICATION FOR STATEMENT OF CHARGES (CONTINUED) Page 2 of 4

On 5/7/2023 Officers responded to 70 E. College Avenue Frostburg, MD for a report of shots fired. Upon arrival, officers observed a large crowd gathered outside of the residence and in the area.

Officers were alerted to several individuals suffering from gunshot wounds.

Laila Lodge was located on the ground on E. College Avenue with multiple gunshot wounds to the lower body. Officers provided aid to Lodge. EMS was later contacted and Lodge was taken to UPMC Western Maryland for treatment of the gunshot wounds.

Officers were alerted to a second gunshot victim who was lying in the grass area of the Center Street parking lot on Frostburg State University Campus. This victim was identified as Alexander Redondo. Officers observed a large amount of blood in the area and blood on the victim's stomach, neck and face. Redondo was unresponsive upon officers arrival. CPR was performed on Redondo by officers until EMS arrival. Officers cut the victim's clothing to try to locate the victim's wound. Officers located a wound to the chest of Redondo. Redondo was later transported to UPMC Western Maryland for treatment.

Officers secured the crime scene and requested investigators.

Investigators were dispatched to the scene and to UPMC Western Maryland. While responding to the scene it was learned that an additional victim was currently at Potomac Valley Hospital in Keyser, WV. An investigator was sent to that location as well. The victim was identified as the following:

Omokemi Balogu, DOB 11/21/2001

Balogu presented to Potomac Valley with numerous gunshot wounds to the lower body.

Investigators at UPMC Western Maryland learned that Redondo was pronounced deceased a short time after arrival.

Investigators learned that Lodge was being prepared for surgery for injuries sustained from the gunshot wounds.

In addition, two other victims of gunshot wounds were later identified as the following:

Jaden Brown, DOB 3/25/04

Zephaniah Banks, DOB 3/4/1999

Brown presented at UPMC Western Maryland at a later time on 5/7/2023 with a lower body gunshot wound.

Banks did not receive medical attention. Banks indicated that he had a grazing wound from a gun shot on his upper body. This information was learned on 5/8/2023.

05/11/2023

Date

Det. Matt Shiner

Applicant's Signature

Detective M. Shiner CI209

Printed Name

TRACKING NUMBER

**DISTRICT COURT OF MARYLAND FOR** Allegany

(City/County)

LOCATED AT (COURT ADDRESS)

123 Liberty Street

Cumberland, MD 21502

DISTRICT COURT
CASE NUMBER

DEFENDANT'S NAME (LAST, FIRST, M.I.)

Atyam, Benjamin Laurent

APPLICATION FOR STATEMENT OF CHARGES (CONTINUED) Page 3 of 4

Investigators began speaking with numerous individuals in the Frostburg, MD area and watching surveillance footage. Officers learned from witnesses who were at 70 E. College Avenue at the time of the shooting that a large party was occurring prior to the shooting. During the course of the evening Redondo was in the basement area of 70 E. College Avenue. While in the basement Redondo alerted his friends to the fact that numerous masked black male individuals had come into the party. Redondo reported to his friends that he had problems with the males in the masks as they had an ongoing feud. A short time after the males in masks entered the basement area of the party, gunshots were fired.

Numerous witnesses indicated that one of the males described above in a mask was observed with a gun out while at the party. This person with the gun was in the basement of the home.

Several tips were called into the police department to include a tip that the same individuals in masks on Saturday night at the party were at a party at Edgewood Commons on Friday evening. Due to this contact was made with an employee of Frostburg State University. This employee indicated they were contacted in reference to a party that was occurring on the 4th floor of the building. Contact was made by the employee and numerous individuals were located who were wearing masks. The individuals are later viewed on surveillance footage entering and exiting the building, some unmasked during those occasions.

Surveillance footage shows the individuals above leaving Edgewood Commons and a short time later two grey in color SUVs are observed leaving the parking lot in close proximity to each other.

It was learned by witnesses that the same individuals were at a residence on the third floor of Edgewood Commons on Saturday a few hours prior to the shooting. Surveillance footage was located and the individuals who were in attendance for the Saturday party at Edgewood Commons are seen exiting the building. The surveillance footage allowed investigators to confirm that the individuals in attendance for the party on Friday, were the same individuals who were in attendance on Saturday and these individuals were viewed exiting Edgewood Commons just prior to the shooting on College Avenue.

The following individuals were identified as being at both parties Friday and Saturday night at Edgewood Commons and at the scene of the shooting Saturday evening by witnesses:

Daiquan Tyrone Guy, DOB: 12/14/2001
Benjamin L Atyam, DOB: 12/16/2001
Malik Lewis, DOB: 07/31/2003
Amari Nnamdi-Hall, DOB: 10/21/2003
Nsenki C Kabassu, DOB: 11/08/2003
Javon Vinson Epifanio, DOB: 07/20/2000

The majority of these individuals have been identified as current or former students of Frostburg State University.

Witnesses who are familiar with the victim and the suspects indicate that the masked men described above are in an ongoing feud with a group of people to include Redondo. Witnesses who were present at the time of the shooting advised that the group of masked men formed a semi-circle around Redondo just prior to shots being fired. One of the masked individuals at the party displayed a

05/11/2023

Date

Det. Matt Shiner

Applicant's Signature

Detective M. Shiner CI209

Printed Name

TRACKING NUMBER

**DISTRICT COURT OF MARYLAND FOR** Allegany

(City/County)

LOCATED AT (COURT ADDRESS)

123 Liberty Street

Cumberland, MD 21502

DISTRICT COURT
CASE NUMBER

DEFENDANT'S NAME (LAST, FIRST, M.I.)

Atyam, Benjamin Laurent

APPLICATION FOR STATEMENT OF CHARGES (CONTINUED) Page 4 of 4

black in color semi-automatic handgun containing an extended magazine.

After reviewing surveillance footage from the night of the shooting the following was observed:

23:57:41- Grey SUV (vehicle 1)- traveling East on College Avenue passing University Drive

23:57:44- Grey SUV (vehicle 2)- traveling East on College Avenue passing University Drive

23:58:25- Vehicle 1 on College Avenue passing Wood Street

23:58:32- Vehicle2 on College Avenue passing Wood Street

23:58:34- headlights observed on Alley beside 70 E. College Avenue

23:58:42- second set of headlights observed on Alley beside 70 E. College Avenue

Vehicle 1 and 2 are not observed on College Avenue driving toward Center Street at this time

Vehicle 1 and2 are believed to have turned into the alley beside 70 E. College Ave

00:10:00- large amount of people observed running from the area of 70 East. College Avenue, which coincides with the time of the shooting according to witnesses

00:11:03- Vehicle 1 observed exiting the alley beside 70 East College Avenue onto College Avenue toward Center Street

00:11:11- Vehicle 1 observed turning left onto Center Street from College Avenue

00:11:29- vehicle 2 observed on College Avenue at University Drive continuing toward Broadway Street

Information later learned through MVA records that Benjamin Atyam operates a 2011 grey Ford Escape with Maryland registration 1EC2995. MVA records also confirmed Daiquan Guy has a 2003 grey Infinity FX45 with MD 5Z1502 registered to him. Both of these vehicles match the descriptions of the vehicles observed leaving both Edgewood Commons and 70 East College Avenue, following the shooting.

Information was later learned that Benjamin and Daiquan live together at 110 S. Broadway Apartment U Frostburg, MD.

Based upon witness statements and surveillance video, the above named individual was with the same group of individuals Friday night, Saturday night immediately prior to the shooting and at 70 East College Avenue at the time the shooting occurred. This individual acted with the previously named individuals to commit the murder of Alexander Rodano.

Due to the facts above, I respectfully request the following criminal charges:

****MURDER-FIRST DEGREE** (ADULT VICTIM) - CR 2-201 - CJIS: 1 0990**

****MURDER-FIRST DEGREE (Conspiracy)** (ADULT VICTIM) - CR 2-201 - CJIS: 1 0990**

All events occurred in Allegany County, Maryland.

05/11/2023

Date

Det. Matt Shiner

Applicant's Signature

Detective M. Shiner CI209

Printed Name

TRACKING NUMBER

**NOTICE OF ADVICE OF RIGHT TO COUNSEL FOR ALL JUDICIAL PROCEEDINGS
TO THE PERSON CHARGED:**

1. This paper charges you with committing a crime.
2. If you have been arrested and remain in custody, you have the right to have a judicial officer decide whether you should be released from jail until your trial.
3. If you have been served with a citation or summons directing you to appear before a judicial officer for a preliminary inquiry at a date and time designated or within five days of service if no time is designated, a judicial officer will advise you of your rights, the charges against you, and penalties. The preliminary inquiry will be cancelled if a lawyer has entered an appearance to represent you.
4. You have the right to have a lawyer.
5. A lawyer can be helpful to you by:
 - (A) explaining the charges in this paper;
 - (B) telling you the possible penalties;
 - (C) explaining any potential collateral consequences of a conviction, including immigration consequences;
 - (D) helping you at trial;
 - (E) helping you protect your constitutional rights; and
 - (F) helping you to get a fair penalty if convicted.
6. Even if you plan to plead guilty, a lawyer can be helpful.
7. If you are eligible, the Public Defender or a court-appointed attorney will represent you at any initial appearance before a judicial officer and at any proceeding under Rule 4-216.2 to review an order of a District Court commissioner regarding pretrial release. If you want a lawyer for any further proceeding, including trial, but do not have the money to hire one, the Public Defender may provide a lawyer for you. To apply for Public Defender representation, contact a District Court commissioner.
8. If you want a lawyer but you cannot get one and the Public Defender will not provide one for you, contact the court clerk as soon as possible.
9. **DO NOT WAIT UNTIL THE DATE OF YOUR TRIAL TO GET A LAWYER.** If you do not have a lawyer before the trial date, you may have to go to trial without one.

Contact information for District Court Commissioner's Offices can be found at:

<http://www.mdcourts.gov/district/directories/commissionermap.html>

If you require further information about qualifying for a Public Defender, call 1-833-453-9799.

NOTICE TO DEFENDANT

1. **MUST APPEAR** - If the offense with which you are charged is a 'MUST APPEAR' offense, you may not waive trial but are required to appear in court when notified. Drivers who receive payable citations included with a "Must Appear" citation automatically will receive a trial date notice for all citations. PLEASE NOTE THAT FAILURE TO APPEAR MAY RESULT IN A WARRANT FOR YOUR ARREST.
2. **PRESET FINE** - If ALL of your charges are marked "Payable", you must comply with one of the following within 30 days after receipt of the citation/summons.
 - OPTION #1** - Pay the full amount of the preset fine for each violation.
 - OPTION #2** - Request a waiver hearing regarding sentencing and disposition instead of trial - Plead Guilty With an Explanation. Do not send payment.
 - OPTION #3** - Request a trial date, time, and place established by the District Court of Maryland by writ or trial notice. Do not send payment.

Please note that payment of the preset fine will result in conviction for the offense(s) charged being entered against you and the case being closed. Please note further that points will be assessed by MVA on your driving record after conviction of a violation of the Motor Vehicle Laws of this State. Failure to pay the preset fine or to appear at trial, after notice, will result in the suspension of your driving privileges by the Motor Vehicle Administration.

FOR MORE INFORMATION AND TO PAY CITATIONS:

Visit the MD Judiciary Website at www.mdcourts.gov/district or call the Interactive Voice Response (IVR) System for trial dates, court locations, and directions.

**From all areas including out-of-state calls: 1-800-492-2656
TTY users call Maryland RELAY: 711**

I have read or have had read to me the contents of the above notice and acknowledge receipt of a copy thereof.

Date

Defendant

Date

Judge/Commissioner

IMPORTANT NOTICE

The attached papers charge you with committing a crime. Depending on the crime charged, a **jail sentence** could be imposed by the court if you are found guilty. You have a right to be represented at trial by a lawyer. **ACT IMMEDIATELY** to obtain a lawyer. If you cannot afford a lawyer, you may apply for the Public Defender through the **District Court Commissioner** who will determine if you are eligible for the Public Defender to represent you at trial. If you wait too long to retain the Public Defender or private counsel you can be made to stand trial without a lawyer. Applications are accepted at any District Court Commissioner's Office during operating hours. Please contact the office listed below for operating hours:

District Court Commissioner Station for Allegany County

123 SOUTH LIBERTY STREET, 2ND FLOOR

Cumberland, MD 21502-3045

1-833-453-9799

You should bring the following papers to apply for the Public Defender's services:

1. Court charging documents/traffic tickets. (Statement of Charges/all documents issued to you by court).
2. Trial date notices from the court. (You may apply even if no trial date has been received.)
3. If you are employed:
Written proof of salary, pay stubs, or other written verification of income for the last two pay periods.
4. If you are unemployed:
Proof of public assistance, medical assistance, Social Security or Supplemental Security Income (SSI), or other assistance you are receiving.

For more information on operating hours or locations visit the Maryland Judiciary website:

mdcourts.gov/district/directories/commissionermap

If you require further information about qualifying for the Public Defender, call 1-833-453-9799.

IMPORTANT

IF THE COMMISSIONER DETERMINES THAT YOU ARE ELIGIBLE TO BE REPRESENTED BY THE PUBLIC DEFENDER AT TRIAL, YOU WILL RECEIVE A **FINAL QUALIFICATION** IN WRITING. ONCE YOU HAVE RECEIVED THE FINAL QUALIFICATION, ALL QUESTIONS SHOULD BE DIRECTED TO THE PUBLIC DEFENDER'S OFFICE:

The address of the Public Defender is:

30 NORTH MECHANIC STREET

CUMBERLAND, MARYLAND 21502

Their telephone number is:

301-777-2142

The Office of the Public Defender is open weekdays from 8:30 a.m. to 4:30 p.m.

I have read, or have had read to me, the contents of the above notice and acknowledge receipt of a copy thereof.

DATE

SIGNATURE OF DEFENDANT

**IF YOU DO NOT HAVE A LAWYER ON THE TRIAL DATE, YOU MAY
HAVE TO GO TO TRIAL WITHOUT THE ASSISTANCE OF A LAWYER.**



District Court for Allegany County
123 South Liberty Street
Cumberland, MD 21502
301-723-3100, ext. #2

Defendant/ case number

Date of Service

This document confirms I have been advised that I am being charged with a FELONY that is not within the jurisdiction of the District Court; that I have the right to have a PRELIMINARY HEARING* by a request made now, or within (10) days of service of this document, failure to make this request will result in a waiver of such hearing.

_____ I **REQUEST** a Preliminary Hearing.

_____ I **WAIVE** my right to a Preliminary Hearing

_____ I **DEFER** election of a Preliminary Hearing. If I do not make the Court aware of my decision regarding a Preliminary Hearing, in writing, within ten days, it will act as an automatic waiver of my right to this hearing.

Witness

Defendant

***WHAT IS A PRELIMINARY HEARING?**

If you are charged with a FELONY, or any other crime which must be tried in the Circuit Court and you have not been indicted by the Grand Jury, you have the right to a preliminary hearing. If you want a preliminary hearing, you must request one with 10 days of your first appearance before the Commissioner, or within 10 days of being served with a criminal summons by the police.

A preliminary hearing is a proceeding held in the District Court to determine if there is PROBABLE CAUSE to believe you have committed the crime with which you are being charged. At a preliminary hearing, you do not testify or offer evidence, but you have the right to hear the evidence against you and to cross examine the State's witnesses.

If you waive your preliminary hearing, or if the hearing is held and the court finds probable cause, the State's Attorney must within 30 days file a charging document in the Circuit Court, nolle prosequi (not prosecute), or stet (indefinite postponement) in the District Court, or amend the charges so they may be tried in the District Court.

If the Court determines there is **NOT** probable cause, the Court may dismiss the charges.